

1/03/2007

SD One Call Board enforcement committee:

Please consider our complaint against Stromseth Construction. Veeders Collision center had initial intention to use AP & Sons to dig footings for a new building/addition. AP & Sons called in a ticket on December 28th to do the work. Something happened, and AP & Sons didn't do the work, Stromseth construction showed up and did the work under AP & Sons ticket number 063620122.

I have created a letter here at the utilities to try to take a more proactive approach to improving the excavation activities here in Watertown, which we delivered to Stromseth at around 10:45. Stromseth Construction then called in their own ticket, and finished the job. The initial ticket that was called in didn't have a start date/time until 1/2/07 1:25 P.M., so they dug under another contractors locate, and started before the dig date/time specified on the that ticket.

We feel confident that there is enough information attached to find Stromseth Construction in violation of the law and would like you to consider a penalty imposed on Stromseth Construction for that violation.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Steve Lehner". The signature is fluid and cursive, with the first name "Steve" and last name "Lehner" clearly distinguishable.

Steve Lehner
Assistant General Manager
Watertown Municipal Utilities

Mail completed form to:

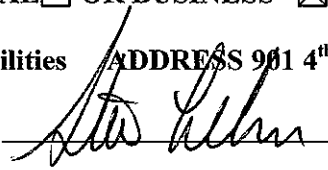
PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD

COMPLAINT

COMPLETE INFORMATION IS REQUIRED – ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL ☐ OR BUSINESS* ☒ PERSON FILING COMPLAINT: Steve Lehner
COMPANY Watertown Municipal Utilities ADDRESS 901 4th Ave S.W. PHONE NUMBER 605-882-6233
SIGNATURE OF COMPLAINANT:  DATE: Jan 4th, 2007 EMAIL ADDRESS: slehner@watertownmu.com

*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Stromseth Construction PHONE NUMBER: 605-886-3893
ADDRESS: 113 11 St NE
WAS A LOCATE REQUESTED FROM SD ONE CALL? YES ☒ NO ☐ LOCATE TICKET #: 070020070
START DATE ON TICKET: 1/4/07
DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ☐ NO ☒ N/A ☐
WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ☐ NO ☒ N/A ☐

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Natural Gas OPERATOR OF FACILITY (IF KNOWN): Watertown Municipal Utilities
OPERATOR ADDRESS: 901 4th Ave S.W. PHONE NUMBER: 605-882-6233
DEPTH OF COVER: 20" service line PRESSURE: 10# VOLTAGE: NA NUMBER OF CABLE PAIRS: NA

IV. MARKING

WERE FACILITIES MARKED? YES ☒ NO ☐ N/A ☐
WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES ☒ NO ☐ N/A ☐
DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES ☐ NO ☒ N/A ☐
WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES ☒ NO ☐ N/A ☐

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?

YES ☒ NO ☐

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY?

YES ☒ NO ☐

IS THERE AGREEMENT? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: We gave Stromseth construction a letter stating that he was violating SDCL 49-7A, and he continued to dig anyways.

V. DAMAGE (IF ANY)

FATALITIES: NA INJURIES: NA LENGTH OF HOSPITALIZATION: NA

ESTIMATED PROPERTY DAMAGE (\$): 0 NUMBER OF CUSTOMERS AFFECTED: 0

DAMAGED IN: PUBLIC ☐ PRIVATE ☐ (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES ☐ NO ☒

ADDITIONAL INFORMATION:

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: SDCL 49-7A-5 Notification of Proposed Excavation

– Excavator failed to provide the 48 hour period prior to commencing excavation activity on Ticket number 070020070.

ADDRESS/LOCATION OF PROBABLE VIOLATION: 8 2nd ST SW

DATE/TIME OF PROBABLE VIOLATION On January 2nd from sometime in the morning until shortly after lunch.

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED

AGAINST: YES ☒ NO ☐

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: Delivered letter to backhoe operator.

DESCRIPTION OF PROBABLE VIOLATION: A backhoe operated by Stromseth Construction was digging in footings for Veeders Collision Center on 2nd St SW. We discovered that Stromseth Construction was digging in these footings without a valid locate ticket. When confronted, the contractor stated that he was digging under Ticket number 063620122 which was originally called in by another contractor that was going to do the work. Something happened with the original contractor, and Stromseth was hired to dig the footings and did so without calling in a locate ticket. The original ticket called in by the first contractor had a start date of 1/2/07 at 1:35, and Stromseth almost had all of the footings dug before the start date/time on the original ticket. We delivered a letter (notice) to Stromseth that he was violating SDCL 49-7A at 10:45 am. Stromseth then called in their own ticket #070020070 which had a start date/time of 1/4/07 at 11:18 am, and finished the job that day (1/2/07)

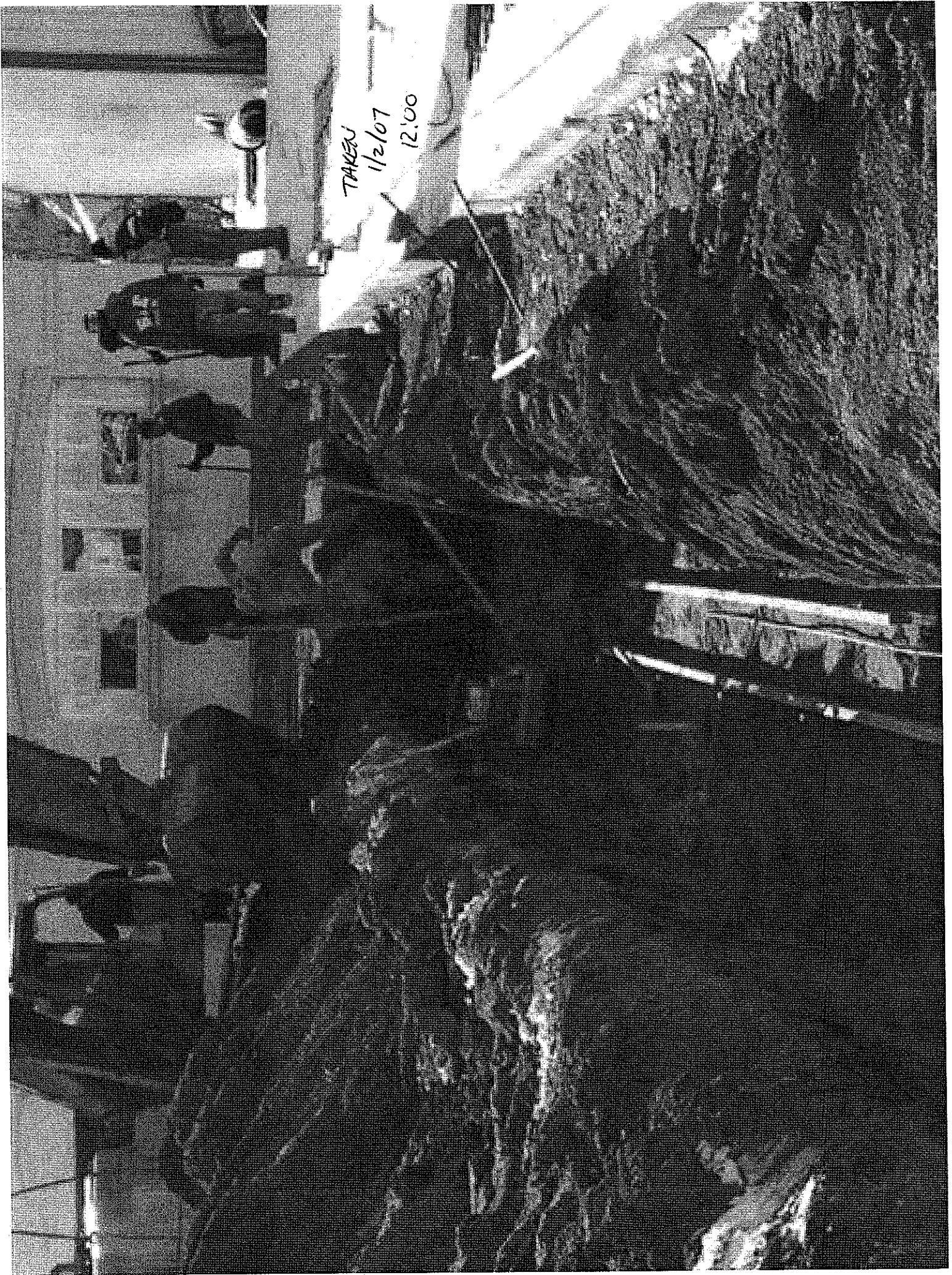


Taken 1/2/07
12:00

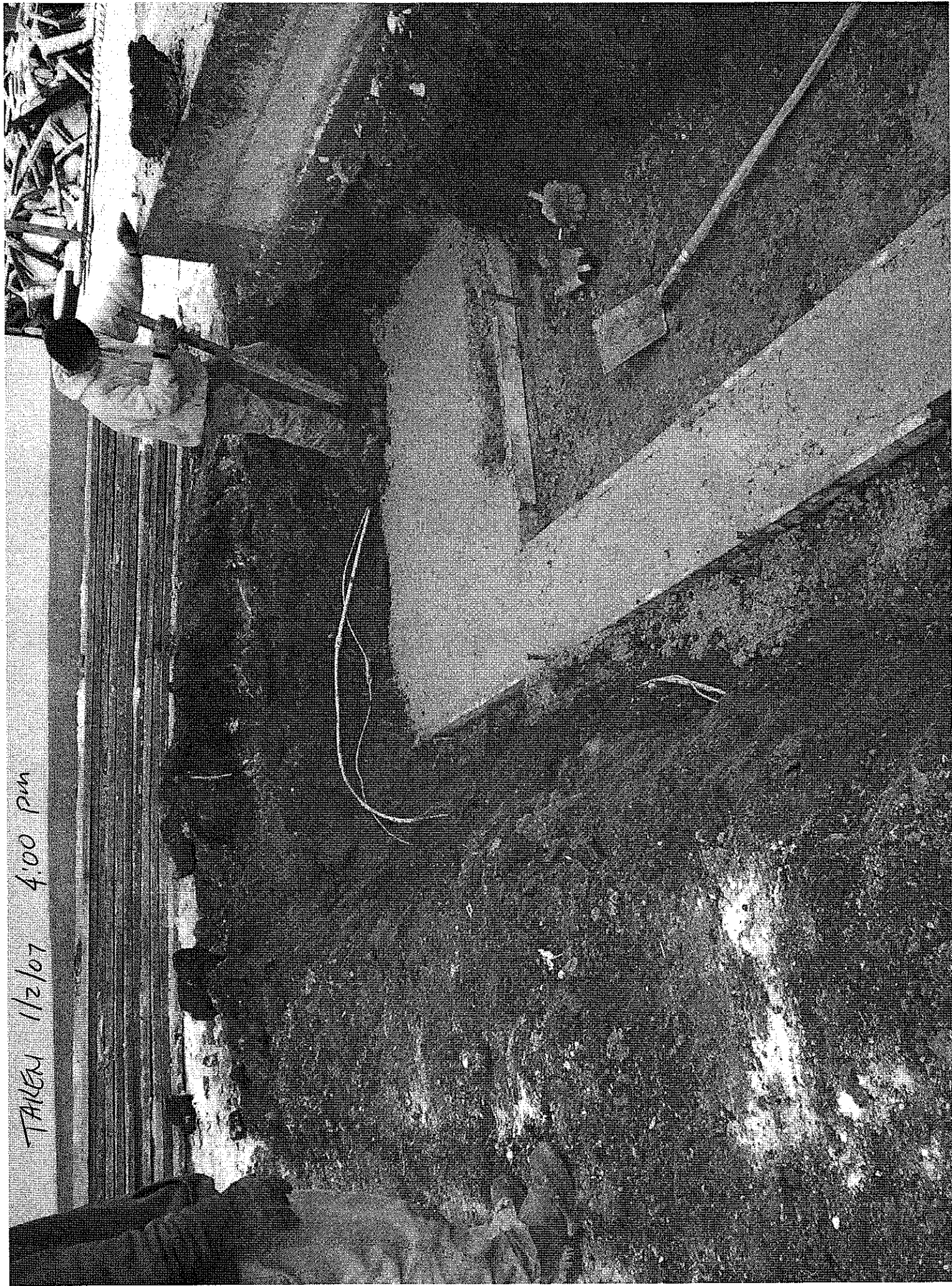
TAKEN 1/2/07
12:00



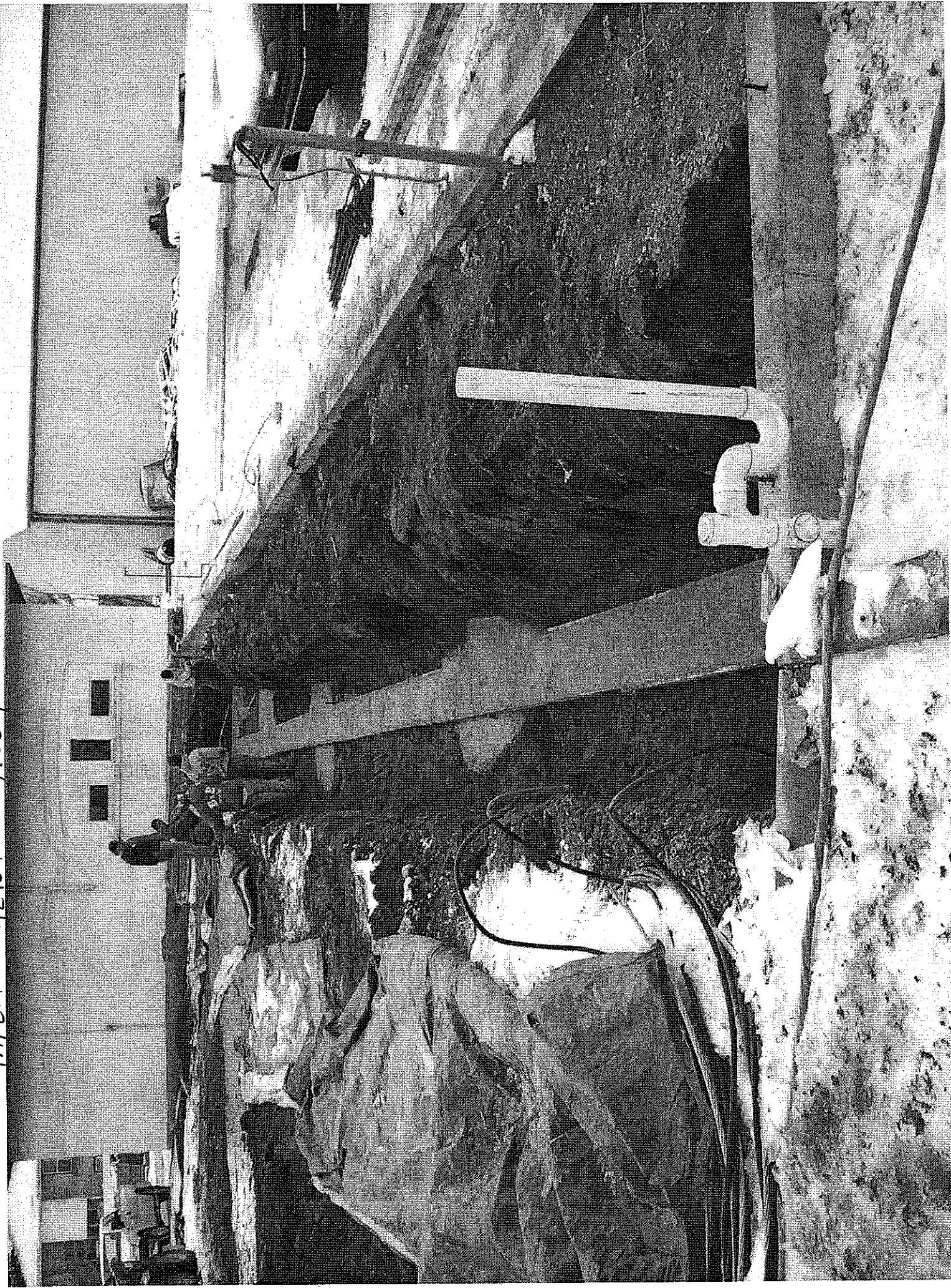
TAKEN
11/2/07
12:00



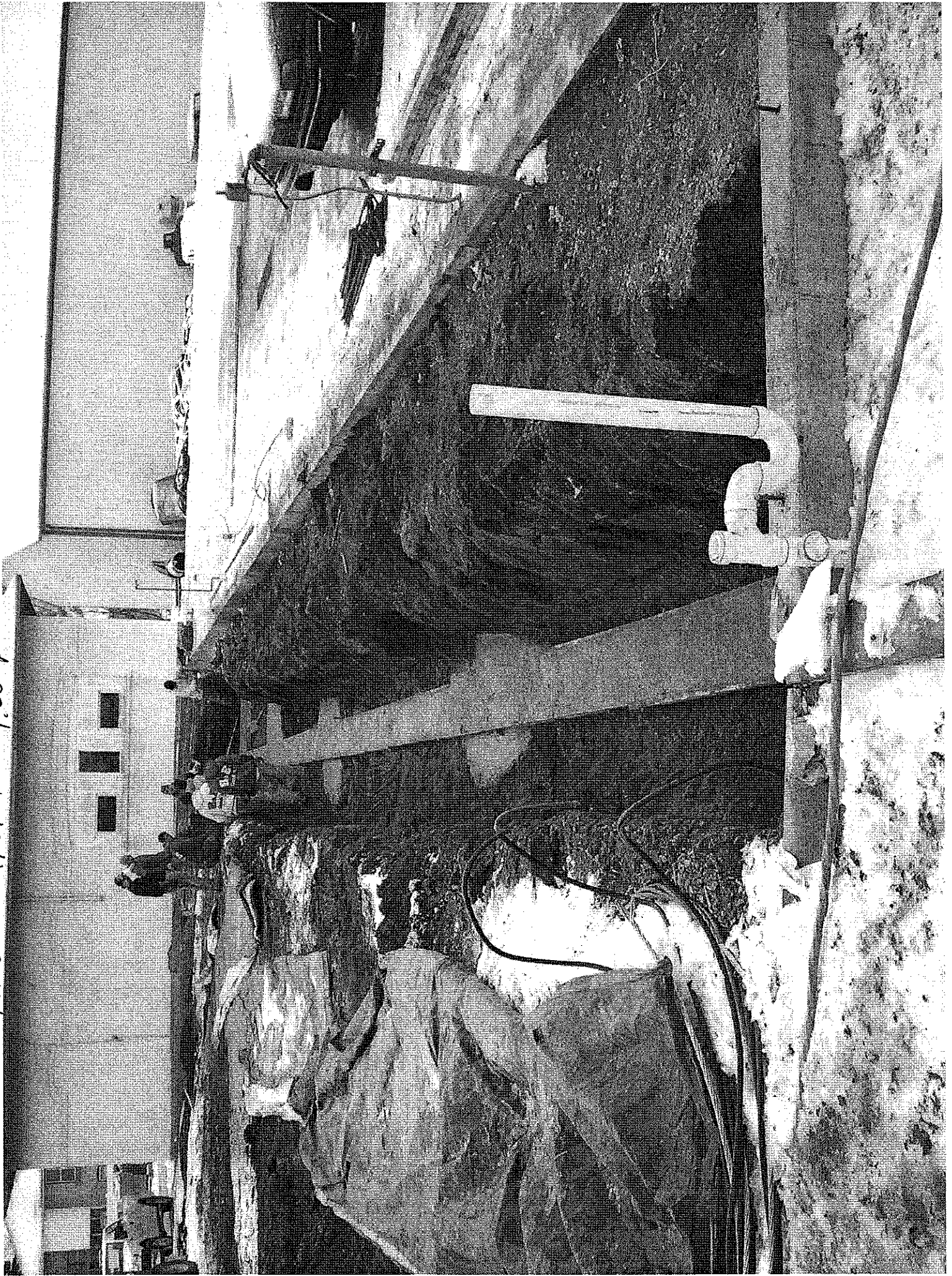
TAKEN 1/2/07 4:00 pm



TAKEN 1/2/07 4:00 pm



TAKEN 11/2/07 4:00 pm



MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233

• FAX (605) 882-6238

Please be aware that you are violating SD Law SDCL 49-7A by your excavation activities. Watertown Municipal Utilities is attempting to raise the awareness of the SD One Call notification system for contractors and Utilities. Please be advised that this is your only warning and any further violations of SDCL 49-7A will result in a complaint filed with the SD One Call board. If you have any questions of how to use the One Call system, or would like additional information on how the law applies to your excavation activities today, please feel free to give me a call. Thank you.

Steve Lehner
Assistant General Manager



Watertown Municipal Utilities
901 4th Ave S.W.
605-882-6233

STROM SETH CONST.

Contractor Name _____

10:45 DELIVERED
1-2-07

South Dakota One Call

SEQUENCE NUMBER 0002 CDC = WAT

Type: *** R O U T I N E

*** Class: TRANSMIT

Transmit: 01/02/07

At: 1120 CST

Prepared: 02-JAN-07

Time: 1120 CST By: ZGI

Ticket No.: 070020070

Operators Notified:

MWT=/PRAIRIEWAVE-ELM/ TC2=/MCC WATERTOWN / UWS=/QWEST LOCAL-ELM/
WAT=/WATERTOWN MUA /

Excavator Information:

Caller: PHYLLIS STROMSETH Phone: 605-886-3893

Excavator: STROMSETH CONSTRUCTION
Address: 16708 451 AVE NW
City: WATERTOWN, SD 57201
Phone: 605-886-3893 Fax: 605-886-3893

Contact: ALVIN STROMSETH Phone: 605-881-6010
Alt. Contact: WOODY GRUBY Phone: 605-881-6013

Location Information:

County: CODINGTON City/Village: WATERTOWN

Map Ref: 44540097070D Grids: 1

Exc. Site Address: 8 2ND ST SW

Nearest Intersection: W 10TH ST

Type of Work : INSTL FOOTINGS

Work Being Done For: VEEDERS COLLISION CENTER

Depth: 20 FT Explosives: N

Start Date: 01/04/07 Time: 1118 CST

Meeting Required: N Best Time to Contact: 0800 - 0500

Exc. Site (Marking Instr.): R.O.W.: N TRSQ:

MARK ENTIRE PROPERTY

GPS Lat/Long:

Remarks:

EXPIRES JAN 25 @ 11:18 CST

CALLER UNABLE TO PROVIDE SPECIFIC MARKING INSTRUCTIONS

End Ticket

Located By _____

Date of Location _____/_____/_____ Time _____ : _____ AM PM

Remarks _____

(CALLED IN
AFTER WE
DELIVERED A
LETTER
STROMSETH
CONTINUED
DIGGING UNDER
THIS TICKET.

South Dakota One Call

SEQUENCE NUMBER 0004 CDC = WAT

Type: *** ROUTINE

*** Class: TRANSMIT

Transmit: 12/28/06

At: 1328 CST

Prepared: 28-DEC-06

Time: 1328 CST By: RYO

Ticket No.: 063620122

Operators Notified:

MWT=/PRAIRIEWAVE-ELM/ TC2=/MCC WATERTOWN / UWS=/QWEST LOCAL-ELM/
WAT=/WATERTOWN MUA /

Excavator Information:

Caller: FRANK ECCLES Phone: 605-398-6419

Excavator: AP & SONS CONSTRUCTION

Address: 202 E GRANT

City: SUMMIT, SD 57266

Phone: 605-398-6419 Fax: 605-398-6422

Contact: FRANK ECCLES

Phone: 605-520-0544 CELL

Alt. Contact: TONY CONNORS

Phone: 605-881-5320 CELL

Location Information:

County: CODINGTON City/Village: WATERTOWN

Map Ref: 44540-097070 Grids: 6

Exc. Site Address: 8 2ND ST SW

Nearest Intersection: KEMP AVE

Type of Work : INSTL FOOTINGS

Work Being Done For: VEEDERS COLLISION CENTER

Depth: 6 FT Explosives: N

Start Date: 01/02/07 Time: 1325 CST

Tunnel/Bore: N

Duration: 02 DAYS

Meeting Required: N

Best Time to Contact: 0800 - 0500

Exc. Site (Marking Instr.): R.O.W.: Y TRSQ:

MARK ENTIRE PROP INCLUDING ALLEY

GPS Lat/Long:

Remarks:

EXPIRES JAN 23 @ 13:25 CST

SITE VEEDERS COLLISION CENTER

CALLER UNABLE TO PROVIDE SPECIFIC MARKING INSTRUCTIONS

End Ticket

Located By _____

Date of Location _____ / _____ / _____ Time _____ : _____ AM PM

Remarks _____

AUSTIN STROMSETH
DIGITAL
BASEMENT ALMOST
FINISHED BEFORE
XLOON.

RECH DELIVERED
HIM A LETTER
10:45
Handwritten signature